

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

ANTHONY MANGANIELLO,

Plaintiff,

-against-

**DECLARATION OF
HILLARY A. FROMMER**

07 Civ. 3644 (HB)

THE CITY OF NEW YORK, DET. LUIS AGOSTINI,
individually and as a New York City Police Detective,
SHAWN ABATE, individually and as a New York City
Police Detective, DEREK PARKER, individually and as a
New York City Police Detective, LT. HENRY SCOTT,
individually and as a New York City Police Lieutenant,
P.O. ALEX PEREZ, individually and as a New York City
Police Officer, P.O. MIRIAN NIEVES, individually and as
a New York City Police Officer, MICHAEL PHIPPS,
individually and as a the Commanding Officer of the 43rd
Precinct, JOHN McGOVERN, individually and as a New
York City Police Detective Sergeant, ROBERT
MARTINEZ, individually and as a New York City Police
Detective, GERYL McCARTHY, individually and as a
New York City Police Deputy Inspector,

Defendants.

----- x

HILLARY A. FROMMER, declares pursuant to 28 U.S.C. 1746, under penalty of
perjury, that the following is true and correct:

1. I am a Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel
of the City of New York, attorney for defendants City of New York, retired Detectives Luis
Agostini, Shawn Abate, Derek Parker, Richard Martinez (sued herein as "Robert Martinez"),
retired Lieutenant Harry Scott (sued herein as "Lt. Henry Scott"), retired Police Officers Alex
Perez, and Miriam Nieves, Inspector Michael Phipps, Lieutenant John McGovern, and retired
Deputy Inspector Geryl McCarthy As such, I am familiar with the facts stated below.

2. This declaration is submitted in support of Defendants' Motion for Summary Judgment to dismiss the complaint pursuant to Rule 56 of the Federal Rules of Civil Procedure on the grounds that there is no genuine issue of material fact with respect to plaintiff's claims of malicious prosecution and municipal liability.

3. Attached hereto as Exhibit "A" is a copy of the New York City Police Department Complaint Report dated February 12, 2001.

4. Attached hereto as Exhibit "B" is a copy of the Parkchester South Condominium Security Department memorandum from Sergeant Ohle to Chief Bellamy, dated February 12, 2001.

5. Attached hereto as Exhibit "C" are excerpts from deposition transcript of Anthony Manganiello dated December 21, 2007.

6. Attached hereto as Exhibit "D" is a copy of handwritten log book notes from Parkchester Security regarding radio dispatches for February 12, 2001.

7. Attached hereto as Exhibit "E" is a copy of the New York City Police Department Complaint Follow-Up Informational dated February 12, 2001.

8. Attached hereto as Exhibit "F" is a copy of the memobook entry for February 12, 2001 of Police Officer Miriam Nieves.

9. Attached hereto as Exhibit "G" are excerpts from the deposition of Harry Scott dated December 19, 2007.

10. Attached hereto as Exhibit "H" are excerpts from transcript of deposition of Miriam Nieves dated March 13, 2008.

11. Attached hereto as Exhibit "I" are excerpt from the deposition of Luis Agostini dated December 20, 2007.

12. Attached hereto as Exhibit "J" is a copy of the Affidavit of Shawn Abate dated April 11, 2008.

13. Attached hereto as Exhibit "K" are excerpts from trial transcript in the matter of The People of the State of New York against Anthony Manganiello, Indictment No. 2207/01 dated June 28, 2004.

14. Attached hereto as Exhibit "L" is a copy of the New York City Police Department Complaint Follow-Up Informational dated February 12, 2001.

15. Attached hereto as Exhibit "M" is a copy of the New York City Police Department Complaint Follow-Up Informational dated March 1, 2001, and the New York City Police Department 43rd Detective Squad Defendant/Suspect/Witness Statement dated March 1, 2001 Subject: Interview Michael Booth.

16. Attached hereto as Exhibit "N" is a copy of the New York City Police Department Complaint Follow-Up Informational dated March 1, 2001 Subject: Michael Booth Viewed Photo Book.

17. Attached hereto as Exhibit "O" is a copy of the New York City Police Department Complaint Follow-Up Informational dated February 27, 2001 Subject Interviewed Chris Tartone and New York City Police Department 43rd Detective Squad Defendant/Subject/Witness Statement dated February 27, 2001.

18. Attached hereto as Exhibit "P" is the New York City Police Department Request for Laboratory Examination.

19. Attached hereto as Exhibit "Q" is a copy of the New York City Police Department Complaint Follow-Up Informational dated April 7, 2001.

20. Attached hereto as Exhibit "R" is a copy of the Affidavit of Luis Agostini dated April 14, 2008.

21. Attached hereto as Exhibit "S" are excerpts from the deposition of Derek Parker dated January 30, 2008.

22. Attached hereto as Exhibit "T" are excerpt from the deposition of John McGovern dated February 7, 2008.

23. Attached hereto as Exhibit "U" are excerpts from the deposition of Geryl McCarthy dated February 7, 2008.

24. Attached hereto as Exhibit "V" is a copy of the Complaint, Criminal Court of the City of New York County of Bronx The People of the State of New York v. Anthony Manganiello, Docket Number 2001BX024949.

25. Attached hereto as Exhibit "W" are excerpts of transcript of deposition of Richard Martinez dated December 19, 2007.

26. Attached hereto as Exhibit "X" is a copy of the Decision and Order dated July 23, 2001 in the matter of The People of the State of New York against Anthony Manganiello.

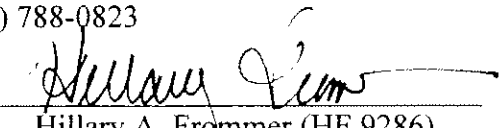
27. Attached hereto as Exhibit "Y" is a copy of Indictment Number 2207-01, Grand Jury Number 42140/2001 in the matter of People of the State of New York against Anthony Manganiello.

28. Attached hereto as Exhibit "Z" is a copy of the Supplemental Decision and Order dated August 6, 2001 in the matter of The People of the State of New York against Anthony Manganiello, Indictment Number 2207-01.

Dated: New York, New York
April 17, 2008

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street, Room 3-212
New York, New York 10007
(212) 788-0823

By:


Hillary A. Frommer (HF 9286)
Senior Counsel